

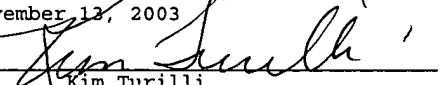
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Patent

Atty. Docket: H60-097 DIV

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By


Kim Turilli

Dated: November 13, 2003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : F. Schaefer, et al.
Serial No. : To Be Assigned
Filing Date : Herewith
Parent Application
Serial No. : 09/958,404
Parent Application
Filing Date : January 22, 2002
Examiner : N/A
Group Art Unit : Unknown
For : METHOD AND VACUUM TREATMENT OF
WORKPIECES AND VACUUM TREATMENT
INSTALLATION

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Sir:

This Information Disclosure Statement is submitted:

[] Under 37 C.F.R. 1.129(a), or
(First/Second Submission after Final Rejection)

[XX] Under 37 C.F.R. 1.97(b), or
(Within any one of the following time periods: three (3) months of filing national application, other than a CPA, or date of entry of the national stage in an international application; or before the mailing date of a first official action on the merits in a non-provisional application, including a CPA; or a Request for Continued Examination (RCE)

☐ Under 37 C.F.R. 1.97(c), together with either:

☐ Statement under 37 C.F.R. 1.97(e), as checked below, or

☐ Fee of \$180.00 under 37 C.F.R. 1.17(p), or
(After the 37 C.F.R. 1.97(b) time period, but before Final Office Action or
Notice of Allowance, whichever issues first)

☐ Under 37 C.F.R. 1.97(d), together with:

☐ Statement under 37 C.F.R. 1.97(e), as checked below, and

☐ Fee of \$180.00 under 37 C.F.R. 1.17(p), or
(Filed after Final Office Action or Notice of Allowance, whichever issues first,
but on or before payment of Issue Fee)

☐ Under 37 C.F.R. 1.97 (i):

Applicant respectfully requests that the I.D.S. and cited reference(s)
be placed in the application file wrapper (Filed after payment of Issue Fee).

Statement Under 37 C.F.R. 1.97(e):

☐ Each item of information contained in this Information Disclosure
Statement was first cited in any communication from a foreign Patent
Office in a counterpart foreign application not more than three (3)
months prior to the filing of this Information Disclosure Statement; or

☐ No item of information contained in this Information Disclosure
Statement was cited in a communication from a foreign Patent Office in a
counterpart foreign application, and, to the knowledge of the
undersigned, after making reasonable inquiry, no item of information
contained in the Information Disclosure Statement was known to any
individual designated in 37 C.F.R. 1.56(c) more than three (3) months
prior to the filing of this Information Disclosure Statement.

Statement Under 37 C.F.R. 1.704 (d) - (Patent Term Adjustment):

(Applies to original applications, other than designs, filed on or after May 29, 2000)

☐ Each item of information contained in the Information Disclosure
Statement was cited in a communication from a foreign Patent Office in a
counterpart application and this communication was not received by any
individual designated in §1.56(c) more than thirty (30) days prior to
the filing of the Information Disclosure Statement.

Enclosed Herewith is Form PTO-1449, and:

[XX] Copies of the cited references are enclosed.

☐ Copies of the cited references are enclosed, except those entered in
prior application, U.S. Serial No. _____, to which priority under
35 U.S.C. 120 is claimed (The earlier application contains copies of the
cited references).

☐ The listed references were cited in the enclosed International Search
Report in a counterpart foreign application.

☐ The "concise explanation" requirement (non-English reference) for
Reference(s) _____ under 37 C.F.R. 1.98(a)(3) is satisfied by:

☐ the explanation provided on the attached sheet;

☐ the explanation provided in the specification;

- ☐ submission of the enclosed International Search Report; or
☐ the enclosed English language Abstract.

☐ Applicant requests that the following pending applications be considered:

U.S. Patent/Application No. _____, filed/issued _____
U.S. Patent/Application No. _____, filed/issued _____
U.S. Patent/Application No. _____, filed/issued _____

Examiner

Date

- ☐ A copy of each above-cited application, including the current claims, is enclosed.
- ☐ A copy of each above-cited application, including the current claims, is enclosed, except those entered in prior application Serial No. _____, to which priority under 35 U.S.C. 120 is claimed.

The Examiner is respectfully requested to return a copy of the above list of pending applications indicating which references were considered with the next Official Action.

Further, it is respectfully requested that the information disclosed herein be made of record in this application.

Method of Payment:

- ☐ A check for the fee noted above is enclosed.
- ☐ Please charge our deposit account No. 14-1431.
- [XX] The Commissioner is authorized to charge any deficiency in payment of fees and credit any overpayment to our Deposit Account No. 14-1431.

Respectfully submitted,



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Reg. No. 28,643
Attorney for Applicant(s)
(845) 359-7700

Dated: November 13, 2003

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Orangeburg, NY 10962-2100

Atty. Docket: H60-097 DIV
Divisional of Serial No. 09/958,404

COMMENTS

U.S. Patent 6,446,651 B1 to Abbel is cited to satisfy applicant's duty of disclosure, but is not prior art under either 35 U.S.C. §102 or 35 U.S.C. §103. The present application enjoys priority on Swiss Application 701/99, filed April 16, 1999, well before the U.S. filing date of the Abbel patent and even before its priority date.

The Abbel reference having been issued on September 10, 2002, may be available under 35 U.S.C. §135(b)(1), but the claims presented here are different from the claims of the Abbel patent and are not directed to the same or substantially the same subject matter. This is because among other things, the claims of the present application contemplate the treatment of a workpiece never expressly disclosed or processed according to Abbel.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO

(Use as many sheets as necessary)

Sheet

1

of

1

C mplete if Known

Application Number

Filing Date

November 13, 2003

First Named Inventor

Schaefer, et al.

Art Unit

Examiner Name

Attorney Docket Number

| |
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| H60-097 DIV |
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U. S. PATENT DOCUMENTS

[illegible]

FOREIGN PATENT DOCUMENTS

[illegible]

**Examiner
Signature**

Date
Cons

Considered

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.¹ Applicant's unique citation designation number (optional).² See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04.³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3).⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible.⁶ Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.